

SOAH DOCKET NO. 582-08-2178
TCEQ DOCKET NO. 2007-1774-MSW

APPLICATION OF BFI WASTE § BEFORE THE STATE OFFICE
SYSTEMS OF NORTH AMERICA, §
INC. FOR A MAJOR AMENDMENT § OF
TO TYPE I MSW PERMIT NO. 1447A §
§ ADMINISTRATIVE HEARINGS

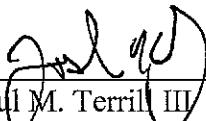
GILES HOLDINGS REQUEST FOR PRODUCTION OF DOCUMENTS TO TJFA, L.P.

To: TJFA, L.P., by and through its attorneys, J.D. Head and Bob Renbarger, Fritz, Byrne, Head & Harrison, LP, 98 San Jacinto, Suite 2000, Austin, TX 78701

Giles Holdings serves the following First Requests for Production for Documents pursuant to Rules 191 through 198 of the Texas Rules of Civil Procedure, upon TJFA, L.P.

Respectfully submitted,

THE TERRILL FIRM, P.C.

By: 
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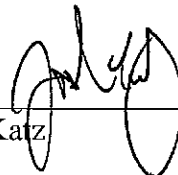
ATTORNEYS FOR GILES HOLDINGS, L.P.

CERTIFICATE OF SERVICE

I hereby CERTIFY that on July 18, 2008, a true and complete copy of the above was sent by facsimile to counsel of record at the following addresses:

Office of Public Interest Counsel	Christina Mann TCEQ-OPIC P.O. Box 13087, MC-103 Austin, TX 78711-3087 Fax: 239-6377	<i>via fax to: 239-6377</i>
TCEQ - Executive Director	Steve Shepherd Susan White TCEQ P.O. Box 13087, MC-173 Austin, Texas 78711-3087 Fax: 239-0606	<i>via e-mail to: sshepher@tceq.state.tx. us and swhite@tceq.state.tx.us</i>
TJFA, L.P.	J.D. Head Bob Renbarger Fritz, Byrne, Head & Harrision, LP 98 San Jacinto, Suite 2000 Austin, TX 78701 Fax: 477-5267	<i>via e-mail to: bob@fbhh.com</i>
City of Austin	Holly Noelke Meitra Farhadi City of Austin P.O. Box 10888 Austin, TX 78767 Fax: 974-6490	<i>via e-mail to: holly.noelke@ci.austin. tx.us and mietra.farhadi@ci.aust in.tx.us</i>
Northeast Neighbors Coalition; Williams Ltd.; Mark and Melanie McAfee; Roger Joseph; Delmer Rogers; and, Pioneer Farms	Jim Blackburn 4709 Austin Houston, TX 77004 Fax: (713) 524-5165	<i>via e-mail to: jbb@blackburncarter.c om</i>
Travis County	Kevin Morse Assistant Travis County Attorney P.O. Box 1748 Austin, TX 78767 Fax: 854-4808	<i>via fax to: 854-4808</i>

Joshua D. Katz



INSTRUCTIONS

1. Each of the parties upon whom these requests are served must provide its own answers to each request as it relates to that party's knowledge, position or possession of documents requested.
2. Admissions requested hereunder shall be delivered to the above-identified attorney at the identified address within the time limits provided by the Texas Rules of Civil Procedure and Order No. 1 in this cause. All definitions and instructions governing discovery in the Texas Rules of Civil Procedure, the procedural rules of the Texas Commission on Environmental Quality (TCEQ) and the State Office of Administrative Hearings (SOAH) and Order No. 1 shall apply to these discovery requests. Unless written requests for clarification are received by the undersigned, it shall be presumed that all requests are fully and completely understood.
3. Identify all persons who provided information for the answer to each request for information at the conclusion of each response. Also identify which witness will sponsor the answer at trial.
4. Singular forms of words shall be taken as including the plural, and plural forms shall be taken as including the singular.
5. If you learn that your response to a request for admission was incomplete or incorrect when made, or, although complete and correct when made, is no longer complete and correct, you must amend or supplement the response in a timely manner as required by TEX. R. CIV. P. 193.
6. Each of the matters of which an admission is requested is automatically admitted unless, within 30 days after service of these requests for admission, each party on whom these requests are served serve on the above-identified attorney a written denial, a valid objection, or a valid assertion of privilege addressing the matter requested to be admitted. Unless you state an objection or assert a privilege, you must specifically admit or deny the request for admission or explain in detail the reasons that you cannot admit or deny the request. A response must fairly meet the substance of the request. An assertion that the request presents an issue for trial is not a proper response. TEX. R. CIV. P. 198.2(b).

DEFINITIONS

For purposes of responding to these Requests, the following definitions apply:

1. "Affiliate" means any entity in which Texas Disposal Services, Inc. or Texas Disposal Systems Landfill, Inc. is presently either the direct or indirect owner of any beneficial interest.
2. "Communication" means any oral or written utterance, notation or statement of any nature whatsoever, by and to whomsoever made, including, but not limited to, correspondence, conversations, dialogues, discussions, interviews, consultations, agreements and other understandings between or among two or more persons.
3. "Consulting expert" means an expert who has been consulted, retained, or specially employed by a party in anticipation of litigation or in preparation for trial, but who is not a "testifying expert."

“Testifying expert” means an expert who may be called to testify as an expert witness at trial.

4. “Describe” and “identify,” when referring to a person are defined to require that you state the following:

- a. The full name.
- b. The present or last known residential address.
- c. The present or last known residential and office telephone numbers.
- d. The present occupation, job title, employer, and employer’s address at the time of the event or period referred to in each particular request.
- e. In the case of any person other than an individual, identify the officer, employee, or agent most closely connected with the subject matter of the request and identify the officer who is responsible for supervising that officer or employee.

5. “Describe” and “identify,” when referring to a document, are defined to require that you state the following:

- a. The nature (*e.g.*, letter, handwritten note) of the document.
- b. The title or heading that appears on the document.
- c. The date of the document and the date of each addendum, supplement, or other addition or change.
- d. The identity of the author and of the signer of the document, and of the person on whose behalf or at whose request or direction the document was prepared or delivered.
- e. The present location of the document, and the name, address, position, or title, and telephone number of the person or persons having custody of the document.
- f. The number of pages or other description of the size of the document.

6. “Describe” and “identify,” when referring to a communication, are defined to require that you state the following:

- a. If any part of the communication was written, to identify the document or documents which refer to or evidence the communication.
- b. If the communication was non-written, to identify the persons participating

in the communication and to state the date, manner, place and substance of the communication.

7. "Document" or "documents" shall mean every original (or copies if you do not have the originals) and each nonidentical copy, whether different from the original because of marginal notes or other material inserted therein or attached thereto, or otherwise, and all drafts and notes (whether typed or handwritten or otherwise) made or prepared in connection with such document, whether used or not and both sides thereof, of any written, recorded or graphic matter, however produced or reproduced, of any kind of description, whether sent or received or neither, including, but not limited to: papers, books, letters, correspondence, telegrams, cables, telex messages, memoranda, notes, invoices (including all bills and statements of account), credit memos, debit memos, notations, work papers, transcripts, minutes, and minutes books, corporate resolutions, reports, notes and recordings of telephone or other conversations or of interviews or of conferences or other meetings, telephone call slips or messages, bank statements, deposit slips, bank checks or drafts, confirmations or other evidence of bank wire transfers of funds, purchase, repurchase and sale confirmations, affidavits, statements, summaries, opinions, reports, studies, analysis, evaluations, contracts, agreements, books of account, ledgers, journals, statistical records, calendars, desk calendars, appointment books, diaries, lists, tabulations, sound recordings, computer printouts, data processing input and output, information contained in computer hard disks or other computer hardware or on floppy disks, films, microfilms, photographs, maps, charts, accounts, handwritten notes or memoranda, intraoffice or interoffice memoranda, financial statements and reports thereto, mailograms, video recordings, travel vouchers, credit card receipts, and all other records kept by electronic, photographic, or mechanical means, and things similar to any of the foregoing, however denominated.

8. "Person" means any natural person, corporation, firm, association, partnership, joint venture, proprietorship, governmental body, or any other organization, business, or legal entity, and all predecessors or successors in interest.

9. "Possession, custody or control" of an item means that the person either has physical possession of the item or has a right to possession that is equal or superior to the person who has physical possession of the item.

10. "Protestant" means TJFA, L.P., as well as its members, employees, parents, predecessors, subsidiaries and affiliates, each of its present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on their behalf.

11. "Application" means the expansion amendment application originally filed by BFI Waste Systems of North America, Inc. for the Sunset Farms Landfill in Travis County on August 1, 2005.

12. "Sunset Farms" means the Sunset Farms Landfill that is the subject of BFI Waste Systems of North America, Inc.'s expansion amendment application and is located at the intersection of Giles Lane and Blue Goose Road approximately five miles east of the intersection of U.S. 290 and I.H. 35 in Travis County, Texas.

13. "Relating to," "regarding," "referring to," "concerning," or "pertaining to" shall mean directly or indirectly mentioning or describing, pertaining to, being connected with, or reflecting upon a

stated subject matter, document, event or person.

14. “Representative” means any and all agents, employees, servants, officers, directors, attorneys, or other persons acting or purporting to act on your behalf.

15. “You,” “your,” or “yourself,” means the parties to whom these requests are addressed, as well as to each of their members, their employees, their parents, predecessors, subsidiaries and affiliates, each of their present and former officers, employees, agents, representatives and attorneys, and each person acting or purporting to act on their behalf.

16. “And” means and/or.

17. “Or” means and/or.

REQUESTS FOR PRODUCTION

1. Please produce all documents relating to the ownership, purchase, sale, lease, rental, resignation, or licensing of property located near any Texas landfill by TJFA.
2. Please produce all appraisals done on the properties owned by TJFA.
3. Please produce any and all documents regarding the value and character of properties owned by TJFA.
4. Please produce copies of any and all reports or opinions reduced to writing prepared by any expert witness who may be called to testify on behalf of TJFA.
5. Please produce all documents relating to, concerning, or touching upon the relationship between TJFA, Texas Disposal Services, Inc. ("TDS"), Texas Disposal Systems Landfill, Inc. ("TDSL"), and any affiliates of TJFA, TDS and TDSL.
6. Please produce all partnership agreements involving TJFA.
7. Please produce TJFA's certificate of formation.
8. Please produce TJFA's mission statement.
9. Please produce all bylaws of TJFA.
10. Please produce all TJFA organizational documents showing or describing TJFA, and how TJFA is related to any entity owned or affiliated with TDS or Bob Gregory.
11. Please produce all minutes of TJFA meetings.
12. Please produce all loan documents, title documents, and notes between TJFA and its lenders regarding any property purchased by TJFA.
13. Please produce all documents that contain or reflect any cost/benefit analyses, rate of return calculations, or the projected economic impact that you expect your challenge of the Sunset Farms application will have on the value of any property owned by TJFA.